

**IN THE UNITED STATES DISTRICT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JOHN THOMSON,	:	
	:	
Plaintiff	:	CASE No. 1:23-cv-00099-SEB-MG
	:	
v.	:	Judge Sarah Evans Barker
	:	
ROCHE DIAGNOSTICS CORPORATION,	:	Magistrate Judge Mario Garcia
	:	
Defendant.	:	

ORDER

Defendant, Roche Diagnostics Corporation (“Roche” or “Defendant”), by and through its counsel, has filed Defendant’s Unopposed Motion to Seal Certain Exhibits Attached To Three Deposition Transcripts Filed In Support Of Defendant’s Motion For Summary Judgment (the “Motion”). The Motion seeks to seal the following deposition exhibits presented to Plaintiff John Thomson (“Plaintiff”), Jason Fowler, and Ron DiNizo in their depositions in this lawsuit

- Deposition exhibits from Plaintiff’s deposition: (1) Exhibit 1: 2018 RDC-107; (2) Exhibit 3: 2019 RDC-107; (3) Exhibit 5: 2020 RDC-107; (4) Exhibit 7: 2021 RDC-107; and (5) Exhibit 9: 2022 RDC-107;
- Deposition exhibits from Jason Fowler’s deposition: (1) Exhibit 5: 2018 RDC-107; (2) Exhibit 14: 2020 RDC-107; (3) Exhibit 19: 2021 RDC-107; and (4) Exhibit 24: May 2022 RDC-107; and
- Deposition exhibits from Ron DiNizo: (1) Exhibit 5: 2018 RDC-107; and (2) Exhibit 24: May 2022 RDC-107.

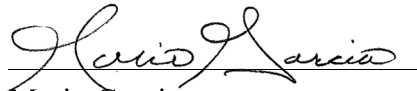
This Court has previously sealed the 2018, 2019, 2020, 2021, and 2022 ICP Plan and the January 2022 RDC-107 because these documents are Defendant’s trade secrets. (Doc. #37, 48 and 50). Defendant seeks to keep these documents under seal and to also seal the 2018, 2019, 2020,

2021 and May 2022 versions of RDC-107. Based on this Court's prior Orders and Defendant's unopposed arguments that the other versions of RDC-107 are slightly different versions of RDC-107 that was previously sealed by this Court and that these versions of RDC-107 are also trade secrets because RDC-107 is "used by [Defendant] to attract and retain qualified employees," and RDC-107 is not generally known to other persons and derives value in Defendant's industry by virtue of its confidential nature. The Court finds Defendant has provided sufficient basis for sealing the documents inasmuch as the documents reflect trade secrets. *Baxter Int'l Labs v. Abbott Laboratories*, 297 F.3d 544, 547 (7th Cir. 2002) (holding that protection of trade secrets is an exception to the strong preference for open proceedings).

Therefore, Defendant's Unopposed Motion to Seal Certain Exhibits Attached To Three Deposition Transcripts Filed In Support Of Defendant's Motion For Summary Judgment is GRANTED. The following deposition exhibits shall be maintained under seal: (1) 94-1 (Plaintiff's deposition exhibits 1, 3, 5, 7, and 9); (2) 94-2 (Jason Fowler's deposition exhibits 5, 14, 19, and 24); and (3) 94-3 (Ron DiNizo deposition exhibits 5 and 24).

SO ORDERED

Date: 4/15/2024


Mario Garcia
United States Magistrate Judge
Southern District of Indiana

Distribution to:

All Counsel of Record through CM/ECF